

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
CHESAPEAKE ENERGY CORPORATION,	:	
	:	
Plaintiff,	:	Civil Action No. 13-cv-1582 (PAE)
v.	:	
THE BANK OF NEW YORK MELLON	:	ECF Case
TRUST COMPANY, N.A.,	:	
Defendant.	:	
-----	X	

**NOTICE OF MOTION OF DEFENDANT THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A. IN SUPPORT OF ITS MOTION *IN LIMINE* TO EXCLUDE
EXTRINSIC EVIDENCE OF UNCOMMUNICATED SUBJECTIVE INTENT**

PLEASE TAKE NOTICE that, for the reasons set forth in the accompanying Memorandum of Law and Declaration of Steven M. Bierman, defendant, by its undersigned attorneys, moves this Court before the Honorable Paul A. Engelmayer, United States District Judge, at the United States District Courthouse, 40 Foley Square, New York, NY 10007, to exclude extrinsic evidence of uncommunicated subjective intent at the trial of this action, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 22, 2013

Respectfully Submitted,

SIDLEY AUSTIN LLP

By: /s/ Steven M. Bierman
Steven M. Bierman
sbierman@sidley.com
Benjamin R. Nagin
bnagin@sidley.com
Alex R. Rovira
arovira@sidley.com
787 Seventh Avenue
New York, New York 10019
Telephone: (212) 839-5300
Facsimile: (212) 839-5999

EMMET, MARVIN & MARTIN, LLP

By: /s/ Paul T. Weinstein
Paul T. Weinstein
pweinstein@emmetmarvin.com
Tyler J. Kandel
Mordecai Geisler
120 Broadway, 32nd Floor
New York, New York 10271
Telephone: (212) 238-3000
Facsimile: (212) 238-3100

DUVAL & STACHENFELD LLP

By: /s/ Allan N. Taffet
Allan N. Taffet
ataffet@dslp.com
555 Madison Avenue, 6th Floor
New York, New York 10022
Telephone: (212) 883-1700
Facsimile: (212) 883-8883

*Attorneys for the Defendant The Bank of New
York Mellon Trust Company, N.A.*